THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17341 OF 2007

ORAL ORDER:

The petitioner is the authorized dealer of the fair price shop No.199 of M.M. Pahadi, Rajendranagar Municipality, Chevella Division, Ranga Redy District. The 1st respondent by order dated 5.6.2006 suspended the authorisation of the petitioner pending enquiry into the alleged irregularities in distribution of the essential commodities. Thereafter, a show cause notice was issued on 9.7.2007 calling upon the petitioner to show cause as to why the authorisation should not be cancelled. The said notice was received by the petitioner on 31.7.2007 and within the time prescribed, he submitted his explanation on 7.8.2007. However, the impugned order of cancellation was passed on 8.8.2007 observing that in spite of the show cause notice, the petitioner failed to offer his explanation and, therefore, the allegations stand proved. The said order is challenged in this writ petition contending *inter alia* that the impugned order which was passed without taking into consideration the explanation offered by the petitioner is arbitrary and illegal apart from being violative of the principles of natural justice.

I have heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

The material placed before this Court shows that the explanation submitted by the petitioner was received in the Office of the 1st respondent on 7.8.2007. However, the impugned order of cancellation was passed on the premise that the petitioner did not submit his explanation. The learned Government Pleader submits that by the date of receipt of the explanation, orders were already reserved and, therefore, the impugned order was passed on the basis of the material available on record.

Be that as it may, since it is apparent that the impugned order dated 8.8.2007 was passed without taking into consideration the explanation submitted by the petitioner, which was admittedly received in 1st respondent's Office on 7.8.2007, I am of the opinion that it would be proper for the 1st respondent to reconsider the matter and pass appropriate orders on merits after taking into consideration the explanation submitted by the petitioner.

Accordingly, the impugned order is set aside and the writ petition is disposed of with a direction to the 1st respondent to pass appropriate orders afresh following due process of law after considering the explanation of the petitioner dated 7.8.2007. No costs.

(G. ROHINI, J.)

14th August, 2007.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.17341 OF 2007

14th August, 2007.

Between:

Sri Mohd. Imtiyaz Ali. .. Petitioner.

And

The Special Grade Deputy Collector and
The Revenue Divisional Officer,
Chevella Division at Attapur Cross Road,
Rajendranagar Mandal,
Ranga Reddy District and others. .. Respondents.